

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

JIMMIE DALE FRAZIER, JR.

PLAINTIFF

v.

Civil No.04-5140

SHERIFF KEITH FERGUSON; MAJOR  
GENE DRAKE; CAPTAIN HUNTER PETRAY;  
LT. HENDRICKS; the BENTON COUNTY  
DETENTION CENTER DIETICIAN; and  
the BENTON COUNTY DETENTION CENTER  
KITCHEN SUPERVISOR

DEFENDANTS

O R D E R

Now on this 21st day of July, 2006, comes on for  
consideration the **Magistrate Judge's Report and Recommendation**  
(document #32), in this matter, to which no objections have been  
filed, and the Court, having carefully reviewed said Report and  
Recommendation, finds that it is sound in all respects, and that  
it should be adopted *in toto*.

**IT IS THEREFORE ORDERED** that the **Magistrate Judge's Report  
and Recommendation is adopted in toto.**

**IT IS FURTHER ORDERED** that, for the reasons stated in the  
Magistrate Judge's Report and Recommendation, Defendants' Second  
Motion for Summary Judgment (document #28) is hereby **granted and  
this case is dismissed.**

**IT IS SO ORDERED.**

/s/Jimm Larry Hendren  
HON. JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE